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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/941,582	08/30/2001	Marina Libman	003636.0067	6396

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09/19/2005

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EXAMINER

BRUCKART, BENJAMIN R

ART UNIT

PAPER NUMBER

2155

DATE MAILED: 09/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/941,582

Applicant(s)

LIBMAN, MARINA

Examiner

Benjamin R. Bruckart

Art Unit

2155

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 06 September 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: None.
Claim(s) objected to: None.
Claim(s) rejected: 1-56.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s).
13. ☐ Other: _____.

**SALEH NAJJAR
PRIMARY EXAMINER**

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Continuation of 11. does NOT place the application in condition for allowance because: Applicant argues the grounds of rejection have changed requesting withdrawing of the finality. The applicant points to claims 9, 29, 34 and 42.

Claims 1, 4-6, 8-21, 24-59 (including claims 9, 29, 34 and 42) are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No 6,678,720 by Matsumoto et al as cited in the Final office action page 3 and page 2 of the non-final office action. The 35 U.S.C. 112, second paragraph rejection was added in the final rejection as made necessary by applicant's amendment on each of the independent claims. Because claims 9, 29, 34 and 42 each depend off or are amended independent claims, the change of grounds on those claims is proper.

The application remains final.

Applicant has amended claims 1, 15, 47 and 51 to recite limitations claimed in other claims in specific "a second instant messaging chat system" and "chat system."

The examiner maintains that this feature is anticipated and not novel as anticipated by the reference Matsumoto. Applicant argues Matsumoto does not convert from a first instant messaging chat system to a second instant messaging chat system but other formats.

Matsumoto teaches converting a received instant message to a previously selected second data format compatible with a second instant messaging chat system in col. 3, lines 30-52 and col. 4, lines 13-24. Col. 4 points out the data is not limited to voice and illustrates email can be used. Email is an instant message chat system that would allow a user to send a message in by that would be converted to other means such as image, text, and voice. Email uses the Internet Mail Access Protocol and Internet Relay Chat uses an IRC protocol (col. 1, line 19). Col. 3 points out that a user on a telephone may connect to an IRC chat system and specify a URL in a channel that other users may use a browser to connect to listen to. Telephones takes an analog voice sound and convert it to a digital format for digital distribution to other users. Both email and telephone are different chat and instant message protocols for communication. Col. 10, lines 12-21 shows text to image and text to voice data conversion. Email, telephone, and IRC are chat systems that allow a user to communicate with another person. Telephone and email systems allow sending and receiving of data involved in a chat. Applicant is encouraged to emphasize real-time or live chat systems that convert data between parties in live or real-time systems.